

Cherokee Supreme Court Building  
130 E. Keetoowah Street  
Tahlequah  
Cherokee County  
Oklahoma

HABS No. OK-26

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PHOTOGRAPHS

HISTORICAL AND DESCRIPTIVE DATA

REDUCED COPIES OF MEASURED DRAWINGS

Historic American Buildings Survey  
National Park Service  
Department of the Interior  
Washington, D.C. 20243

## CHEROKEE SUPREME COURT BUILDING

Location:

130 East Keetoowah Street, Tahlequah, Cherokee County, Oklahoma.

USGS Tahlequah Quadrangle, Universal Transverse Mercator Coordinates: 15/322230/3975750

Present Owner:

Cherokee County, Oklahoma.

Present Occupant:

Offices of the Superintendent of Schools for Cherokee County.

Significance:

In 1844 the Cherokee National Government constructed its first permanent structure in the new Cherokee Nation at Tahlequah, which had been designated as the seat of government in 1839. This building stands as one of the oldest houses of democratic government in the West. It was the only official building of the Cherokee to survive the Civil War. Aside from its original Supreme Court capacity, it has served the Tahlequah District Court and the offices of the Cherokee Advocate during the Cherokee Nation, and now houses the Cherokee County, Oklahoma, Board of Education.

PART I. HISTORICAL INFORMATION

## A. Physical History

1. Date of erection: 1844.
2. Original and subsequent owners: From the arrival of the Cherokee Indian Territory, the property on which the building now stands was owned by the tribe. It was offered for sale in 1911 as part of the process of the dissolution of the autonomous Cherokee Government, and was sold to the new county of Cherokee. This transfer is the only one on record:

Patent Conveying Tribal Property

W.C. Rogers, Principal Chief

to

John W. Sutton, et al, Commissioners of Cherokee County 29 June 1914

Recorded 3 June 1915

Book 2, page 444

Block 89, lot 8 and the east 5 feet of lot 7, Town of Tahlequah

Reference is to the Office of the Clerk of Cherokee County, Cherokee County Courthouse, Tahlequah, Oklahoma.

3. Builders: On October 22, 1844 the Cherokee National Council approved an act to authorize payment of \$2,775 to James S. Price for the construction of the building. Price contracted subsequently for work on other structures for the Nation and for private citizens, including the National Capitol Building. In progress reports on the latter he is mentioned as carpenter (as well as having served for a time on the building committee, an indication of his status within the Cherokee Nation), which seems to have been his exclusive profession. Local history calls him an architect, and it is probable that he built the building from his own plans, which were derived from detailed specifications and requirements supplied by the Cherokee National Council.

The masonry work on the building was done by a "little yankee" from Boston (Advocate, October, 19, 1844).

4. Alterations and additions: The Annual Report of the Commissioner of Indian Affairs, Cherokee Agency, to the Department of the Interior for the year 1875 states that the offices and equipment of the Cherokee Advocate, which occupied at least the upper story of the building at that time, were completely destroyed by fire. There is no available information on original interior. Information on building's physical characteristics between 1875 and 1914 is also largely unknown. The plan of the building as it now stands is difficult to interpret in accordance with the known uses of the building during that period. The Advocate's rooms were on the second story, the first story being used by the Tahlequah District Court. The exterior is known from several old frontal photographs, and has not changed substantially. The original windows were six panes over six; the brick-work was probably redone after the 1875 fire, since the walls are now built with a mixture of Common and Flemish bond. There is a photograph in the collection of the Oklahoma Historical Society which may be of the interior of the printing office. This has not been substantiated, but it may represent a similar institution of the Chicasaw. The Indian Commissioner's report for 1876 values the building at \$6,000, indicating that the structure had been refurbished by that time. A similar report for 1907 places the value at \$2,500. The printing office was on the first floor in 1904, and the second was used as a dwelling. The 1904 Sanborn map gives this information, but was corrected by hand to show the building as vacant. This designation appears in print on the 1909 Sanborn. The Advocate ceased operations in 1905, and the structure was not acquired by the county until 1914, and it is conceivable that it was unused for the entire

period. This might account for the low 1907 valuation. The 1927 Sanborn shows a new composition roof and is labeled "County Offices", although the purpose is not specified. A "sample room", a separate one story frame structure on the property, which had appeared on earlier maps, was removed in 1927. There are new structures adjacent to the old court building on that map, also designated as county buildings.

B. Historical Context:

The Cherokee National Council first passed an act in 1822 to organize the National Courts. Provision for the courts was also included in the Constitution of 1839. The Supreme Court was the highest court of appeal, as well as having jurisdiction over most high crimes and civil cases involving more than one hundred dollars. It was served by two associate justices and a chief justice elected for a period of two years each. Among the earliest were the Reverend Jesse Bushyhead, Joseph Vann, and John Thompson Adair, significant figures in the history of the Cherokee before the 1907 statehood. The Supreme Court held annual sessions in this structure from its completion in 1844 until it received accommodations in the new Capitol building in 1870. The vacated building was then occupied by the Cherokee Advocate, the official organ of the government.

The Advocate, the first newspaper in what is now Oklahoma, was organized to serve various purposes, all under the aegis and financial control of the National Council and Principal Chief. On October 25, 1853 it was chartered with "An Act to Establish a Printing Press and to Regulate the National Newspaper," to replace the Cherokee Phoenix, its counterpart in the east. It was to be printed in both Cherokee, in Sequoyah's characters, and in English, for "the dissemination of useful knowledge among the Cherokee People, and sending abroad correct information of their condition, and of passing events generally among the different Indian tribes." The National Council elected an editor to serve a term of four years who would have complete control of the operation. One staff member was appointed to make weekly translations of the laws and proceedings of the Council into Cherokee for publication in the weekly paper. Also appointed were a National Printer, a journeyman and three apprentices to be selected from among the Cherokee youth, with terms of four years each. The terms of the Advocate, which were set by the Council, were three dollars per year, two dollars if the subscriber could read only Cherokee. Before taking possession of the Supreme Court Building, the Advocate had been housed in its own building on the Capitol grounds. The building was a two-story frame structure of 18' x 40' which was completed simultaneously with the Supreme Court Building. In 1870 the paper moved to its second home, which it shared with the Tahlequah District Court, by act of Council, and remained there for

the rest of its existence. The paper's last copy was published in 1905. Among the many distinguished Cherokee associated with the paper were its first editor, William P. Ross (who was later elected Principal Chief), nephew of John Ross; and Joseph Vann, who reported so enthusiastically on gold fever in the Cherokee Nation that he departed quite suddenly and without ceremony for California.

## PART II. ARCHITECTURAL INFORMATION

### A. General Statement:

1. Architectural character: The plain brick building is the oldest permanent structure of Cherokee government west of the Mississippi, and one of the oldest buildings in eastern Oklahoma.
2. Condition of fabric: Good; somewhat altered.

### B. Description of Exterior:

1. Over-all dimensions: The rectangular-shaped, two-story building measures 33'-5" x 29'-3", with three bays on front and two bays along the sides.
2. Foundations: Ashlar sandstone blocks were first used (the bed of the stone laid horizontally), although an added concrete pad support has become necessary under the eastern half of the building, laid under the original blocks.
3. Walls: The walls are of handmade red brick, laid in Flemish bond at the corners, but in common bond toward the center of the wall surfaces, on all four sides.
4. Structural system, framing: The brick bearing walls support sawn roof joists and framing members, which are nailed together.
5. Stoops: A single concrete step has been added in front of the front door, and three concrete steps have been poured in front of the rear door.
6. Chimneys: Only one of the two chimneys rise above the roofline. This may be seen above the east wall; it has a corbeled cap. The second chimney, rising from the partition wall between the storage room and the Superintendent's Office has been covered over by the roof.
7. Openings:
  - a. Doorways and doors: The double doors in the front entrance, twentieth century replacements, each have three vertical panels and eight lights. An original toplight, of four

square lights, each 12" x 15", are set within the segmental doorframe. The rear door is of five horizontal panels, identical to the interior doors, also replacements.

- b. Windows: Wooden double hung with single pane sash are set in segmental window frames. All the window frames have had the bricks of their lintels and sills recently replaced with pressed brick.
8. Roof: The low hipped roof is covered with gray composition asphalt shingles, which were put on in 1966. The eaves overhang the walls of the building by 1 1/2 feet. Their undersides are covered with novelty siding painted white.

C. Description of Interior:

1. Floor plans: In the center bay of the front facade, on the first floor, there are double doors which open into a central stairhall. The 2'-8" stairs rise in a single flight straight ahead, while to the right a doorway leads to a book storage room (approximately 11'-6" x 12'-6"). Through a doorway to the left is a secretary's office (approximately 10'-8" x 12'-6") and immediately behind, the office of the Cherokee County School Superintendent (approximately 18' x 12'-6"). The doors on the west wall of this office lead to a small storage room, a broom closet and a lavatory. A single door on the south wall provides a rear entrance.

On the second floor, on both sides of the corridor, are four rooms. These were formerly occupied in the mid-thirties by the County Election Board, while on the other side of the corridor were the rooms devoted to the activities of the County Farm Agent. All four rooms are now vacant. Access to the attic is gained by means of a hatch entrance at the head of the stairs, in the second floor hall.

2. Stairways: The building has only one staircase of wooden material. It is a single flight and has turned balusters, a molded handrail and a square newel post with molded strips, which is probably a replacement.
3. Flooring: Linoleum flooring covers the office floors of the Superintendent's office and that of his secretary's. It is also used in the lavatory. A poured concrete floor is evident in the storage closet and the broom closet of the first floor. Elsewhere wooden flooring is used on both floors.

4. Wall and ceiling finish: Plaster on sawn lath, painted, provides the wall and ceiling finish.
5. Doors: All the interior doors are five horizontal panels, with simple moldings surmounted by a simplified entablature head. Same kind of door is used for the rear entrance door.
6. Mechanical equipment:
  - a. Heating: Heating is supplied by a small gas operated floor unit in the Superintendent's office; formerly it was coal or wood burning stoves which were in both first and second floors.
  - b. Lighting: Lighting is by means of twin tube fluorescent fixtures in the offices. Other rooms are lighted by exposed electric bulbs.
  - c. Plumbing: The plumbing fixtures in the bathroom includes a sink of porcelain - covered steel and a commode of porcelain material.
- D. Site: The building faces north and occupies a corner lot, facing the courthouse square across the street. To its west are small shops; to the south, single-story offices; and to the east, supermarket.

### PART III. SOURCES OF INFORMATION

- A. Early Views: Various photographs of the principal elevation of the structure are available at the Oklahoma Historical Society, the Cherokee National Historical Society, and the Library of Northeastern Oklahoma State University, all in Tahlequah, Oklahoma. One photograph at the Oklahoma Historical Society of the interior of an Indian printing house may very well be that of the Advocate office, but this has not been confirmed (catalogue no. 172-3369).
- B. Bibliography:
  - A. Primary and unpublished sources:

National Register of Historic Places Inventory-Nomination form for the structure.

Oklahoma City, Oklahoma. Oklahoma Historical Society. Indian Archives. Letter, A.B. Cunningham, executive secretary of the Cherokee Nation to J.G. Wright, U.S. Inspector, Indian Territory, April 4, 1907, vol. 12 of Cherokee materials and contents: valuation of government buildings in preparation for their disposal.

B. Secondary and published sources:

Ballenger, T.L., Around Tahlequah Council Fires, private, limited edition printing, Muskogee, Oklahoma, 1935. Copies available in the non-circulating sections of the Tahlequah Carnegie Library and the Library of Northeastern Oklahoma State University.

Foreman, Grant. The Five Civilized Tribes. Norman, Oklahoma: University of Oklahoma Press, 1934.

Ruth, Kent, compiler, with the staff of the University of Oklahoma Press, Oklahoma, A Guide to the Sooner State, revision and expansion of the W.P.A. Writer's Project American Guide Series volume of 1941. Norman, Oklahoma: University of Oklahoma Press, 1958.

Strickland, Rennard, and Gregory, Jack, ed., Starr's History of the Cherokee Indians, reprint of the 1922 edition of Starr's History by Emmett Starr., Indian Heritage Association. Fayette, Arkansas: University of Arkansas, 1967.

Wright, Muriel. A Guide to the Indian Tribes of Oklahoma. Norman, Oklahoma: University of Oklahoma Press, 1951.

The Cherokee Advocate. Newspaper articles, 23 December 1843, 19 October, 1844, and various numbers. Available at the Library of Northeastern Oklahoma State University, Tahlequah; The Oklahoma Historical Society, Oklahoma City; and the Carnegie Library, Tahlequah.

Laws of the Cherokee in edited and published form for the years 1806 to 1852, available at the Cherokee Room of the Northeastern Oklahoma State University Library, Tahlequah; also published laws in the 1885 and 1887 editions. The most complete set of the published laws is available at the library of the Oklahoma Historical Society, Oklahoma City.

Annual Report of the Commissioner of Indian Affairs to the Secretary of the Interior, for the years 1875 and 1876. Washington, D.C.: Government Printing Office.

"Insurance Maps of Tahlequah, Oklahoma", 1904, 1909 and 1927, with revisions of the latter dating to 1934, Sanborn Map Company, Chicago, Illinois.

PART IV. PROJECT INFORMATION

The project was undertaken by the Historic American Buildings Survey (HABS) in cooperation with the Oklahoma Historical Society and the Cherokee National Historical Society. Under the direction of John Poppeliers, Chief of HABS,



the project was completed during the summer of 1975, at the HABS Field Office on the campus of Northeastern Oklahoma State University, Tahlequah, Oklahoma, by Michael A. Tomlan (Cornell University), Project Supervisor; John D. Hnedak (Cornell University), Project Historian; Bethanie C. Grashof (University of Florida), Vicki J. Higgins (University of Cincinnati), Nicholas H. Holmes III (Auburn University) and Roger D. Swayze (University of Oregon), student assistant architects. The written descriptive data was edited for permanent HABS collection at the Library of Congress by Susan McCown, a HABS staff historian in the Washington, D.C. office, in the winter of 1981. Walter Smalling, Jr. of Heritage Conservation and Recreation Service, U.S. Department of the Interior took the documentary photos of the building in October of 1979.